

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hiroshi AKAHORI, et al.) Confirmation No.: 4196
Application No.: 10/574,600) Group Art Unit: 2884
Filed: January 25, 2007) Examiner: David S. Baker
For: ENERGY RAY DETECTING)
ELEMENT)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Issue Fee
Alexandria, VA 22314

Sir:

RESUBMISSION OF INFORMATION DISCLOSURE STATEMENT
PREVIOUSLY-FILED UNDER 37 C.F.R. § 1.97(d)

Applicants hereby re-submit the document listed on the attached PTO-1449 which was previously filed on February 2, 2009 under 37 C.F.R. §§ 1.56 and 1.97(d). The original submission of this Information Disclosure Statement (“IDS”) occurred on February 2, 2009 after the events recited in § 1.97(c) but before the payment of the issue fee for the above-identified application. Applicants do not believe that a fee is due for resubmitting this IDS because a fee of \$180.00, as specified by § 1.17(p), was previously submitted in the original filing of this IDS on February 2, 2009. However, to the extent that Applicants’ understanding is incorrect in this regard, the Commissioner is hereby authorized by this paper to charge the IDS fee of \$180.00 to Deposit Account No. 50-0573.

This IDS is being resubmitted because of an informality in this IDS as previously filed on February 2, 2009 as pointed out by Examiner David Baker in an Office Communication dated

February 25, 2009 in this application. Specifically, minor changes to the language in the following paragraph have been incorporated below in response to the Examiner's comments in the Office Communication dated February 25, 2009.

No item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

A U.S. Office Action dated December 24, 2008 that issued in a related U.S. patent application no. 10/554,105 and having a document cited therein was attached for the Examiner's consideration to the IDS previously-filed on February 2, 2009. Consideration of such is respectfully requested.

Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached PTO-1449 which is a copy of the original PTO Form 1449 that was included in the IDS as previously-field on February 2, 2009.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "Prior Art". If it should be determined that the listed document does not constitute "Prior Art" under the United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.13(a)(3).

Respectfully submitted,

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By:


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Dated: March 23, 2009

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